

## Message Text

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ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 SAM-01 DRC-01 /123 W

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R 201430Z FEB 74

FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC 3762

INFO AMEMBASSY PRETORIA

AMEMBASSY LONDON

AMEMBASSY MASERU

AMEMBASSY MBABANE

AMEMBASSY GABORONE

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

AMCONSUL CAPE TOWN

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E.O. 11652: N/A

TAGS: PINS, SF

SUBJECT: PARLIAMENT TO ENACT STRICT SECURITY MEASURES

SUMMARY: VORSTER GOVERNMENT HAS INTRODUCED IN PARLIAMENT TWO BILLS WHICH WILL ADD SUBSTANTIALLY TO SAG'S ALREADY FORMIDABLE POWERS OF CONTROL OVER INDIVIDUALS AND ORGANIZATIONS IN THE COUNTRY (FULL TEXT BY POUCH). SOURCES IN PARLIAMENT TELL US LEGISLATION WILL NOT BE CARRIED OVER TO NEXT SESSION OF PARLIAMENT BUT WILL BE ENACTED DURING THIS SHORT SESSION, WHICH WILL END NEXT WEEK. END SUMMARY.

1. "RIOUTOUS ASSEMBLIES AMENDMENT BILL" PROVIDES THAT ANY MAGISTRATE MAY BAN A GATHERING WHENEVER HE BELIEVES PUBLIC PEACE WOULD BE SERIOUSLY ENDANGERED. HE NEED NOT OBTAIN PRIOR APPROVAL FROM MINISTER OF JUSTICE, AND, UNLIKE TERMS OF ORIGINAL ACT, GATHERING NEED NOT BE A PUBLIC GATHERING

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BUT INSTEAD IS DEFINED AS ANY PUBLIC OR PRIVATE "GATHERING,

CONCOURSE OR PROCESSION OF ANY NUMBER OF PERSONS HAVING A COMMON PURPOSE... WHETHER THE PURPOSE IS LAWFUL OR UNLAWFUL." FOR HIS PART, MINISTER OF JUSTICE "MAY, IF HE DEEMS IT NECESSARY OR EXPEDIENT FOR THE MAINTENANCE OF PEACE, PROHIBIT... ANY GATHERING OR ANY AREA DURING ANY PERIOD OR ON ANY DAY OR DURING SPECIFIED TIMES OR PERIODS WITHIN ANY PERIOD." MORE-OVER, HE MAY PROHIBIT ANY PERSON FROM ATTENDING A MEETING, OR PREVENT A MEETING FROM TAKING PLACE, IF HE FEELS RACIAL FRICTION COULD BE AN OUTCOME OF ANY SUCH MEETING. POLICE OFFICERS ARE GIVEN EXTENSIVE POWERS TO BAR ANY PLACE TO THE PUBLIC OR TO DISPERSE GATHERINGS.

2. OBVIOUS TARGETS OF THE OTHER PIECE OF LEGISLATION, THE

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AFFECTED ORGANIZATIONS BILL," ARE ORGANIZATIONS LIKE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, NATIONAL UNION OF SOUTH AFRICAN STUDENTS AND CHRISTIAN INSTITUTE. IN BRIEF, THIS BILL EMPOWERS STATE PRESIDENT TO DECLARE AN ORGANIZATION TO BE AN "AFFECTED ORGANIZATION" IF HE IS SATISFIED THAT SAID ORGANIZATION IS ENGAGED IN "POLITICS" (WHICH TERM IS UNDEFINED) "WITH THE AID OF OR IN COOPERATION WITH OR UNDER THE INFLUENCE OF AN ORGANIZATION OR A PERSON ABROAD." PRESIDENT WILL ACT ON RECOMMENDATIONS BY MINISTER OF JUSTICE AFTER LATTER HAS CONSIDERED REPORT ON THE ORGANIZATION BY A COMMITTEE OF THREE MAGISTRATES. HE HIMSELF WILL HAVE APPOINTED THE COMMITTEE OF MAGISTRATES WHENEVER HE "SUSPECTS" THAT AN ORGANIZATION, "OR A PERSON WHO DIRECTLY OR INDIRECTLY" TAKES PART IN THE ACTIVITIES OF ANY ORGANIZATION, IS ENGAGING IN "POLITICS" (ANOTHER UNDEFINED TERM) AND RECEIVING FOREIGN ASSISTANCE. MINISTER NEED NOT BE BOUND BY REPORT OF THE MAGISTRATES.

3. ONCE STATE PRESIDENT HAS DECLARED AN ORGANIZATION TO BE "AFFECTED," NO PERSON SHALL ON ITS BEHALF SOLICIT FOREIGN FUNDS, RECEIVE MONEY FROM ABROAD OR IN ANYWAY "HANDLE OR DEAL WITH SUCH MONEY WITH THE INTENTION OF HANDING IT OVER... TO SUCH AN ORGANIZATION." MONEY ALREADY ON HAND MAY NOT BE USED FOR ANY PURPOSE, EXCEPT FOR DONATION TO A RECOGNIZED CHARITY. SUCH MONEY IS SUBJECT TO CONFISCATION UNDER CERTAIN CIRCUMSTANCES. CONVICTION LIMITED OFFICIAL USE

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FOR CONTRAVENTION  
OF THIS LAW COULD BRING FINE OF AS MUCH AS 20,000 RAND (\$30,000) AND/OR 10 YEARS IMPRISONMENT.

4. COMMENT: ENGLISH LANGUAGE PRESS AND SA LIBERALS ARE CON-DEMNING BOTH MEASURES (OPPOSITION UNITED PARTY HAS NOT YET MADE STATEMENT). CRITICS HAVE STATED THAT BAN ON GATHERINGS EXTENDS TO ANY GATHERING AT ANY PLACE AND NO LONGER LIMITS

AUTHORITIES TO DEAL WITH ONLY PUBLIC GATHERINGS. RIGHT OF  
ASSEMBLY AND EVEN OF PRIVATE ASSOCIATION CAN BE SCRAPPED  
WHENEVER GOVERNMENT WISHES. REFERRING TO "AFFECTED ORGANIZATIONS  
BILL," PROGRESSIVE PARTY'S HELEN SUZMAN SAID, "INCREDIBLY  
WIDE DEFINITIONS OF THIS MISERABLE BILL WILL RESULT IN  
INNOCENT ORGANIZATIONS WITHERING AND DYING. THE PENALTY  
CLAUSES ARE NOTHING SHORT OF BRUTAL." IN EDITORIALS  
FEBRUARY 20, CAPE TIMES AND THE ARGUS CALLED FOR PARLIAMENT  
TO REJECT BOTH BILLS. THIS DEMAND AND CRIES OF OUTRAGE FROM  
SAG CRITICS IN SOUTH AFRICA AND ABROAD WILL FALL ON DEAF  
EARS. SAG DETERMINED TO HAMSTRING OR CLOSE DOWN LIBERAL  
ORGANIZATIONS AND TO ADD TO ITS POWERS TO STIFLE DISSENT.  
IN MAKING THE TWO BILLS INTO LAW, IT CAN REST ASSURED THAT  
MAJORITY OF WHIT POPULATION WILL RAISE NO OBJECTION, EVEN THOUGH  
NEW LEGISLATION WILL ADD TO STATE'S ALREADY ENORMOUS  
AUTHORITARIAN POWERS AND FURTHER DIMINISH CIVIL RIGHTS OF  
ALL SOUTH AFRICANS.  
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**TAGS:** PINS, SF  
**To:** STATE  
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